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REMARKS

Prior to this Amendment and Response, original claims 1-32 were pending in the Application. Herein, claims 1-32 were amended, claims 33-34 were added, claims 19 and 25 were cancelled, and claims 29 and 31 were rewritten; therefore, upon entry of the Amendment, claims 1-34, save claims 19 and 25, are pending in the Application. Allowance of the pending claims is respectfully requested.

Application Papers

I gratefully acknowledge the Examiner's acceptance of eight (8) drawings filed on 01 August 2003.

Allowable Subject Matter

I gratefully acknowledge the Examiner's statement in paragraph 1 of the Office Action that claims 1-32 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. §112, 2nd paragraph. I have rewritten claims 1-32 to indicate the subject matter by improving the relationship detail between the elements for which I regard as the invention. In light of the Examiner's indication of allowable subject matter, I believe that the claims 1-34 are now in allowable condition, and their allowance is respectfully requested.

I gratefully acknowledge the Examiner's statement in paragraph 2 of the Office Action that "The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Obermoser, Kunkel, Marsh, Holladay, and Hasbrouck all teach hydraulic ram pumps and applications." In light of the Examiner's citing of

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prior art, I have respectfully indicated the invention is a downhole hydraulic ram pump to further distinguish between the invention and the cited prior art.

Claim Rejections – 35 U.S.C. §112

In paragraph 1 of the Office Action, the Examiner rejected claims 1-32 under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, I have amended claims 1-32 to indicate the subject matter clearly by improving the relationship detail between the elements for which I regard as the invention. Claim 31 is totally rewritten to clearly describe the pumping process including the elements and how they must function in order to pump fluid from the wellbore. Claims 29 and 33 are written to not only separate method claims from apparatus claims, but also to clearly define the elements of the invention and describe the sequence of installation for the elements deployed into the open hole.

In paragraph 2 of the Office Action, the Examiner rejected claims 1, 21, 22, 29, 31, and 32, under MPEP §2173.05(d) stating that the phrase “such as” renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. In response, I have amended claims 1, 21, 22, 29, 31, and 32 by removing the phrase “such as air” in claims 1 and 21; the phrase “such as a packer assembly” in claim 22; the phrases “such as a packer”, the phrase “such as a sealing sub”, and the phrase “such as a seal joint” in claim 29; the phrase “such as flow” in claim 31; and the phrase “such as a packer” in claim 32. In view of these amendments, I feel that the claims are now in allowable condition.

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In paragraph 3 of the Office Action, the Examiner rejected claim 1 stating the phrase “said normally closed inlet” is incomplete and inconsistent with the term previously used as “said normally closed inlet means”. In response, I have amended claim 1 to use “said normally closed inlet means” in both places.

In paragraph 4 of the Office Action, the Examiner rejected claim 2 and 8 stating the phrase “a conduit means” fails to distinguish from that of claim 1. In response, I have amended claim 2 to use “said conduit means” indicating both conduit means in claims 1 and 2 are one and the same. I have amended claim 8 to use “said intrusive tubing means” to distinguish from that of claim 1. In view of these amendments, I feel that the claims are now in allowable condition.

In paragraph 5 of the Office Action, the Examiner rejected claim 9 stating the claim was confusing and not understood since it is not clear if the conduit means of claim 1 and claim 2 are the same. In response, I have amended claim 9 to exclude the phrase “, of claim 2,” and describe the changes to the conduit means of claim 1, used in claim 9. Also, the “said intrusive conduit means” is amended to “said intrusive tubing means” to distinguish from the conduit means of claim 1. The language “ a wellbore to said hydraulic ram pump location” is described as a wellbore being an open hole and a specific hydraulic ram pump; said downhole hydraulic ram pump is used. The language here defines which wellbore and ram pump is used. The language “terminating in said respective hydraulic ram pump connections” is deleted. The last line of claim 9 amends “to said surface storage and use” to “to said surface” indicating a particular location. The indefinite phrases are amended, properly recited to distinguish the elements. I respectfully suggest that this

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ground for rejection has thereby been overcome, and their allowance is respectfully requested.

In paragraph 6 of the Office Action, the Examiner rejected claim 10 stating the phrase “said annular chamber means” is inconsistent with the term “annular chamber” of claim 1. In response, I changed both to “said annular chamber” creating continuity. By this minor amendment, I feel that the claim is now in allowable condition.

In paragraph 7 of the Office Action, the Examiner rejected claim 13 and 14 stating the phrase “said valve means” is indefinite, as it is not clear which one of the two “valve means” refers to the language “additionally having an adjustable spring assist to open” is incomplete. In response, I have amended the phrase “valve means” to “said normally open valve means” to clarify which valve is being addressed and wrote the function of the adjustable spring as it relates to said normally open valve. Both claims 13 and 14 amended, I feel, overcome the indefinite rejection and are now in allowable condition.

In paragraph 8 of the Office Action, the Examiner rejected claim 15 stating the language “employs an adjustable spring or weight assist to close” is incomplete. In response, the phrase “assist to close” is deleted and the function of the adjustable spring or weight is rewritten as it relates to said normally closed valve means. By this amendment, I feel that claim 15 is now allowable.

In paragraph 9 of the Office Action, the Examiner rejected claim 16 stating the language “A hydraulic ram pump according to claim 1, further including a wireline retrievable valve unit,...,comprised of said closed valve means and said

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open valve means” is confusing and not understood, as it is unclear whether the two valve means are inclusive of the wireline retrievable valve unit or separate from the valve unit. Claim 16 is amended to designate a wireline retrievable valve unit that is in lieu of the two valve elements of claim 1. Furthermore, the elements comprising the wireline retrievable valve unit are stated. Additionally, the Examiner stated the language “said outer profile can be landed ... extended normally closed inlet, having at least one side port... retrievable through said tubing means” are confusing and not understood. Claim 16 is amended to clarify lines 4-10 to define a profile disposed within the chamber means extended inlet and main body. The profile is where the wireline retrievable valve unit lands, seals, and is secured. Therefore, the confusing and misunderstood language is amended for better understanding of the relation of the elements involved. As amended claim 16 is now in allowable condition.

In paragraph 10 of the Office Action, the Examiner rejected claim 17 stating the language “further including said closed valve means comprises ...” should be “said open valve means further comprises...” I gratefully acknowledge the Examiner’s assistance in correcting claim 17 and appreciate the suggested amendment. As amended claim 17 is now in allowable condition.

In paragraph 11 of the Office Action, the Examiner rejected claim 20 stating the language “permitting a portion of said formation fluid, now lifted fluid” is confusing, as it is not clear the “now lifted fluid” is the same as previously defined in line 3 of the same claim. Claim 20 now contains the relationship between “said formation fluid, lifted fluid, and spent fluid”, clarifying that the fluid changes names

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as it flows through the two outlets. As amended claim 20 is now in allowable condition.

In paragraph 12 of the Office Action, the Examiner rejected claim 21 stating the language “said pressure chamber wall” is indefinite and lack proper antecedent basis. Claim 21 now deletes the word “wall” to clearly refer to the pressure chamber which has proper antecedent basis. As amended claim 21 is now in allowable condition.

In paragraph 13 of the Office Action, the Examiner rejected claim 22 stating the language “and other useful tools” is indefinite and needs to be more positively defined. Claim 22 now reads “supporting tubing strings in said wellbore,...” to replace “other useful tools.” As amended claim 22 is now in allowable condition.

In paragraph 14 of the Office Action, the Examiner rejected claims 24-26 stating the language such as “assist to open” and “assist to close” are incomplete. Claims 24 and 26 now replace these phrases with functional descriptions... “to maintain said valve means in their normal open positions”. Claim 25 is cancelled. Claim 26 now replaces “assist to open” with “to bias said normally open valve in the open position.” As amended claim 24 and 26 are now in allowable condition.

In paragraph 15 of the Office Action, the Examiner rejected claim 27 stating the language “A hydraulic ram pump according to claim 20, further including a wireline retrievable valve unit,...” Claim 27 now uses language from Claim 16; therefore the elements and their relationship are clarified. As amended claim 27 is now in allowable condition.

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In paragraph 16 of the Office Action, the Examiner rejected claim 29 stating “Claim 29 is confusing and indefinite, for failing to clearly set forth the metes and bounds of the patent protection desired, as a claim can not be both a method claim and an apparatus claim.” Claim 29 is rewritten as an apparatus claim. Claim 33 is written as a method claim. Both claims overcome the indefinite rejection and are now in allowable condition.

In paragraph 17 of the Office Action, the Examiner rejected claim 30 stating the language “The method fro completing of claim 31” should be “The method for completing of claim 29.” I gratefully acknowledge the Examiner’s assistance in correcting claim 30 and appreciate the suggested amendment. As amended claim 30 is now in allowable condition.

In paragraph 18 of the Office Action, the Examiner rejected claim 31 stating the language “near the end of the tubing strings” is indefinite. In response, I have rewritten this claim to define the relationship of the elements and their function in the process of pumping the fluid from the wellbore. As amended claim 31 is now in allowable condition.

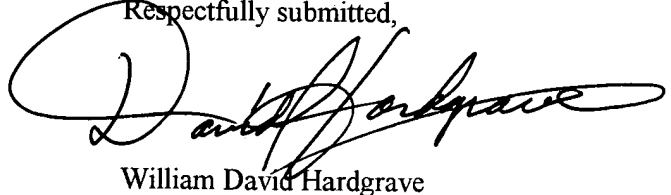
In paragraph 19 of the Office Action, the Examiner rejected claim 32 stating the language “below the casing flow openings” is indefinite; the language “and above said casing lower end within said casing” is confusing. Claim 32 replaces “below the casing flow openings” with “below said substantially liquid formation.” Additionally, “above said casing lower end within said casing” is replaced with “above said lower receiving formation.” It has overcome the indefinite rejection due to using proper antecedent basis in Claim 31.

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In light of the foregoing, independent claims 1, 20, 29, and 31, particularly as now amended, and the claims dependent directly or indirectly therefrom, are believed to be in condition for allowance. Accordingly, allowance of pending claims 1-34, save claims 19 and 25, is respectfully requested.

16 August 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William David Hardgrave", written in a cursive style.

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